

REMARKS

Claims 1-2, 4-10, 12-30, 35-37, 40-41, 43-45, 49, 51-57, 60-61, 64, and 67-68 have been amended, and claims 1-68 remain in the application.

Examiner Interview

Applicants thank the Examiner for the interview with the undersigned counsel on August 11, 2004, to discuss the present application. In the interview, the undersigned explained the difference between the cited references and the invention, and specifically the winning event is known by players before placing bets and the action of the players affects winning odds of other players. The Examiner stated that these elements are not reflected in the pending and proposed claims. No specific agreement was reached during the interview.

Office Action of June 23, 2004

Applicants have carefully reviewed and considered the Office Action of June 23, 2004. In the Office Action, claims 24 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite, claims 1-9 and 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Goldman et al. (U.S. Pat. No. 4,191,376), claims 10-11 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Goldman et al., claims 15-48 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Goldman et al. and further in view of Schneider et al. (U.S. Pat. No. 5,871,398), claims 49-52 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Pool Party reference, and claims 53-68 stand rejected under 35 U.S.C. §103(a) as being obvious in view of the Pool Party reference and further in view of Schneider et al.. Applicants respectfully traverse the grounds of above rejections and request reconsideration thereof in view of the above amendments and following remarks.

Claim rejection under 35 U.S.C. §112, second paragraph

Claim 24

The Office Action rejected claim 24 under 35 U.S.C. §112, second paragraph, as being indefinite. The Office Action stated there is insufficient basis for the limitation "the order request time." Claim 24 has been amended to remove the indefiniteness, and Applicants hereby submit that this rejection has been overcome.

Claim rejection under 35 U.S.C. §102(b)

Claim 1

The Office Action rejected claim 1 as being anticipated by Goldman et al. Applicants disagree and traverse the ground of rejection. Goldman et al. is directed to instant lottery tickets with lottery numbers and serial numbers that are uniquely related (Abstract). A serial number and a lottery number are placed on each ticket and the lottery number is covered after printing (Col. 4, Lines 35-50). There is no apparent relationship between these two numbers on the same ticket (Col. 4, Lines 57-60). After purchase, a player removes the covering over the lottery number and exposes the incidia (Col. 4, lines 63-68).

Conversely, amended claim 1 is directed to a method of playing a game, where the winning number is determined by a predefined criterion known to the players, such as the order of purchase of the tickets, and a request from one player accordingly affects winning odds for the other players. Amended claim 1 is fully supported by the specification, paragraph [0030], where it states that a player may attempt to “time” a purchase to hit the winning ticket, but with thousands players distributed over a large number of locations, it would be virtually impossible intentionally to hit the winning number. It is clear from the passage that players know the winning number but the actions of every player affects odds of winning for other players.

Because Goldman et al. does not disclose all elements of amended claim 1, Goldman et al. cannot anticipate claim 1 as amended. Therefore, Applicants request the rejection be withdrawn and amended claim 1 allowed.

Claim 2

The Office Action rejected claim 2 as being anticipated by Goldman et al. Applicants disagree and traverse the ground of rejection. The Office Action fails to distinguishably point out where in the cited reference is disclosed the step of selecting the series of number, wherein each number differs by a fixed value. Therefore, Applicants respectfully request the Examiner either distinguishably point out where in the cited reference the element of selecting a series of numbers, wherein each number differs by a fixed value from a next preceding issued number in the series or allow claim 2, as amended.

Claims 3-9

Claims 3-9 depend from claim 1, and Applicants submit that amended claims 3-9 are patentable over Goldman et al. for at least the reasons stated above with respect to the patentability of claim 1. Therefore, the allowance of claims 3-9 are respectfully requested.

Claim 12

The Examiner cited column 2, lines 3-5 in Goldman et al. as disclosing the elements of claim 12. After reviewing the cited passage, it seems to suggest that list of winning number and associated prize be posted publicly or printed on the ticket. It does not disclose that at least one winning number is comprised of a plurality of winning numbers and selecting winning numbers to occur at intervals in the series. Therefore, Applicants respectfully request the Examiner to either distinguishably point out where in the reference the element of claim 12 is disclosed or amended claim 12 be allowed.

Claim 13

The Examiner cited column 2, lines 3-5 in Goldman et al. as disclosing the elements of claim 13. After reviewing the cited passage, it seems to suggest that list of winning number and associated prize be posted publicly or printed on the ticket. It does not disclose that at least one winning number comprised of a plurality of winning numbers and selecting winning numbers to occur at intervals in the series. Therefore, Applicants respectfully request the Examiner to either distinguishably point out where in the reference the element of claim 13 is disclosed or amended claim 13 be allowed.

Claim 14

The Examiner cited column 2, lines 3-5 in Goldman et al. as disclosing the elements of claim 14. After reviewing the cited passage, it seems to suggest that list of winning number and associated prize be posted publicly or printed on the ticket. It does not disclose that at least one winning number comprised of a plurality of winning numbers and selecting winning numbers to occur at intervals in the series. Therefore, Applicants respectfully request the Examiner to either distinguishably point out where in the reference the element of claim 14 is disclosed or otherwise allow amended claim 14 be allowed.

Claim 49

The Office Action rejected claim 49 under 25 U.S.C. §102(b) as being anticipated by the Pool Party reference. Applicants disagree and traverse this ground of rejection. The Office Action stated that the Pool Party reference discloses a plurality of persons selecting a time when each expects a baby to be born, and if the baby is born in that specific time, the player receives an award. In the Pool Party, the winning event/timing is not determined before the game starts and it is unknown to the players. In the example cited by the Examiner, the timing of the baby's birth is not determined before the players place the bets.

On the other hand, amended claim 49 is directed to a game where the target time (the winning time) is selected before the players place their bets. Applicants submit that the Pool Party reference does not disclose selecting the target time before the game. Therefore, the Pool Party cannot anticipate claim 49, as amended, and allowance of claim 49 is respectfully requested.

Claims 50-52

Claims 50-52 depend from claim 49, and Applicants submit that amended claims 50-52 are patentable over the Pool Party reference for at least the reasons stated above with respect to the patentability of claim 49. Therefore, the allowance of claims 50-52 are respectfully requested.

Claim rejections under 35 U.S.C. §103(a)

Claims 10-11

The Office Action rejected claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over Goldman et al. Applicants disagree and traverse the ground of rejection. Claims 10-11 depend from claim 1, and Applicants submit that amended claims 10-11 are patentable over Goldman et al. for at least the reasons stated above with respect to the patentability of claim 1. Therefore, the allowance of claims 10-11 are respectfully requested.

Claims 15-17

The Office Action rejected claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Goldman et al. in view of Schneier et al. The Office Action stated that Goldman et al. discloses having awards of differing value, but does not disclose that magnitudes of the awards

differ according to a multi-tiered scheme. However, the Office Action stated that Schneier et al. discloses differing magnitudes of the awards according to a multi-tiered scheme. Applicants disagree and traverse the ground of rejection.

Schneier et al. is directed to an off-line remote lottery system for players to purchase instant-type lottery games and view outcomes of these games (Abstract). In the passages cited in the Office Action, Schneier et al. seems to disclose a multi-tiered payout scheme with different prize amounts assigned to each tier and randomly distributing the winning tickets. These passages do not disclose associating a lesser value with a more frequent series of winning tickets, which is an element of claim 15, or selecting magnitudes of the awards according to the frequency of occurrence of winning number, which is an element of claim 16, or selecting a greater award for a winning number that occurs only once, which is an element of claim 17.

The combination of Goldman et al. and Schneier et al. does not disclose or suggest all elements of claims 15-17, and it can not render claims 15-17 obvious. Therefore, Applicants respectfully request the rejections be withdrawn and claims 15-17 allowed.

Claim 16

The Office Action rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Goldman et al. in view of Schneier et al. Applicants disagree and traverse the ground of rejection.

As stated above with respect to the patentability of claim 15, in the cited passage Schneier et al. does not disclose or suggest selecting magnitudes of the awards according to a frequency of occurrence of winning numbers as stated in claim 16. Therefore, Applicants respectfully request the rejection be withdrawn and claim 16 allowed.

Claims 18-21

Claims 18-21 depend from claim 1, and Applicants submit that claims 18-21 are patentable over the Pool Party reference for at least the reasons stated above with respect to the patentability of claim 1. Therefore, the allowance of claims 18-21 are respectfully requested.

Claim 22

The Office Action rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Goldman et al. in view of Schneier et al. Applicants disagree and traverse the ground of rejection. In the passage cited by the Examiner, Schneier et al. seems to disclose updating a sequence variable (SV) with every purchase, making a SV unique to each vending station (HTV), using SV as a way to prevent fraud, storing records of game authorization in a database, and randomly selecting an authorization for a next purchase. The cited passage does not disclose determining an order request time when a request is placed.

The combination of Goldman et al. and Schneier et al. does not disclose or suggest at least the element of determining an order request time of claim 22, and it can not render claim 22 obvious. Therefore, Applicants respectfully request the rejections be withdrawn and claim 22 allowed.

Claim 23

Claim 23 depends from claim 1, and Applicants submit that claim 23 is patentable over the combination of Goldman et al. and Schneier et al. for at least the reasons stated above with respect to the patentability of claim 1. Therefore, the allowance of claim 23 is respectfully requested.

Claims 24-25

For the same reason stated above with respect to the patentability of claim 22, Applicants submit that claims 24-25 are patentable over the combination of Goldman et al. and Schneier et al. and request claims 24-25 be allowed.

Claims 26-37 and 41-48

The Office Action rejected claims 26-37 and 41-48 for the same reasons set forth in the rejections of the corresponding method claims. Applicants traverse the rejections. For the same reasons stated with regard to patentability of the corresponding method claims, Applicants submit claims 26-37 and 41-48 are patentable over the cited references and allowance of claims 26-37 and 41-48 are requested.

Claims 38-40

Claims 38-40 depend from claim 26. Applicants submit that claims 38-40 are patentable over the combination of Goldman et al. and Schneier et al. for at least reason stated above for claim 26 and request claims 38-40 be allowed.

Claims 53-54 and 56

The Office Action rejected claims 53-54 and 56 under 35 U.S.C. §103(a) as being unpatentable over the Pool Party reference in view of Schneier et al. Applicants disagree and traverse the ground of rejection.

Claims 53-54 and 56 depend from claim 49. Applicants submit that claims 53-54 and 56 are patentable over the combination of Goldman et al. and Schneier et al. for at least reason stated above with respect to the patentability of claim 49 and request claims 53-54 and 56 be allowed.

Claim 55

Claim 55 depends from claim 49 and further adds the element of placing time entries at game terminals, transmitting the time entries to a remote central controller, and comparing the time entries with a target time at the remote central controller.

The Office Action fails to point out where in either the Pool Party reference or Schneier et al. is disclosed the element of comparing the time entries with a target time at a remote central controller. Therefore, Applicants request that the Patent Office either point out where in the cited references such element is disclosed or allow claim 55.

Claims 57-61, 63, 65, and 67-68

The Office Action rejected claims 57-61, 63, 65, and 67-68 for the same reasons set forth in the rejections of the corresponding method claims. Applicants traverse the rejections. For the same reasons stated above with respect to the patentability of the corresponding method claims, Applicants submit claims 57-61, 63, 65, and 67-68 are patentable over the cited references and allowance of claims 57-61, 63, 65, and 67-68 are requested.

Claim 62

The Office Action rejected claim 62 under 35 U.S.C. §103(a) as being unpatentable over the Pool Party reference in view of Schneier et al. Applicants disagree and traverse this

ground of rejection. In the passage cited by the Examiner, Schneier et al. seems to disclose incrementing a sequence variable (SV) with every authenticable redemption request messages and checking a time associated with authenticable redemption request messages. The cited passage does not disclose a circuitry in a central controller and circuitries in each game terminal that maintain a clock of the central controller and clocks of the game terminals in substantial synchronicity.

The combination of the Pool Party reference and Schneier et al. does not disclose or suggest at least the element of a circuitry in a central controller and circuitries in each game terminal that maintain a clock of the central controller and clocks of the game terminals in substantial synchronicity of claim 62, and thus it can not render claim 62 obvious. Therefore, Applicants respectfully request the rejections be withdrawn and claim 62 allowed.

Claim 64

The Office Action fails to point out where in the cited references is the element of a central controller with a circuitry for associating monetary award amounts with the target times. Therefore, Applicants respectfully request that the Patent Office either point out where in the cited references such element is disclosed or suggested or allow claim 64.

Claim 66

The Office Action fails to point out where in the cited references is the element of relating differing monetary award amounts to a relative frequency of occurrences of target times. Therefore, Applicants respectfully request that the Patent Office either point out where in the cited references such element is disclosed or suggested or allow claim 66.


Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-68 are in condition for allowance and notification to that effect is earnestly solicited. If necessary, the Examiner is invited to telephone Applicants' attorney (404-873-8734) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 502666.

Respectfully submitted,
Tracy et al.
By Their Representatives,

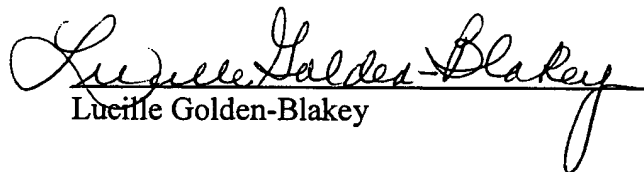
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA. 22313-1450, on this 26 day of August, 2004.



Lucille Golden-Blakey